



K A N S A S

RODERICK L. BREMBY, SECRETARY

DEPARTMENT OF HEALTH AND ENVIRONMENT

KATHLEEN SEBELIUS, GOVERNOR

APPLICATION FOR SOLID WASTE LANDFILL PERMIT

I. Applicant information:

Applicant's name Westar Energy, Inc.
 Mailing address 818 Kansas Avenue Topeka, KS 66612
 (Street Address) (City & State) (Zip)
 Person to contact Tom Brown Title Manager, Water and Waste Programs
 Telephone (785) 575-1548 Fax (785) 575-8039
 E-mail address Tom_Brown@wr.com

Entity type (check one):

☐ Federal Agency ☐ County ☒ Business
☐ State Agency ☐ City ☐ Individual
☐ Township ☐ Other _____

.. Site information:

Facility name Lawrence Energy Center (1250 N. 1300 Rd.)
 Physical address Proposed Landfill – 1302 N. 1800 Rd., Lawrence, KS 66044
 (Street Address) (City & State) (Zip)
Douglas County
 _____ 1/4 of the, _____ 1/4 of the, SW 1/4 of, Section 13, Township 12, Range 19

In the following table, fill in *total* areas and capacities (not just *remaining* values). "Existing" parameters should match the existing landfill permit and approved plans for an existing facility; or for a new facility leave the "existing" columns blank.

Parameters	Existing (#600)			Proposed		
Property area (acres)	22 9			80 (total)		
Landfill types	MSW	Ind.	Ind.	MSW	Ind.	C&D
Disposal area (acres)		22	9		57.0 (not incl. ponds or roads)	
Capacity (tons)		1,859,000	672,100		8,085,088	
Capacity (cubic yards)		1,300,000	470,000		5,653,908	
Capacity (years)		15(original)	3 (expansion)		26	

III. Type of application, (check one):

☒ New permit
☐ Modification* of an existing permit
☐ Transfer** of an existing permit

MSW = municipal solid waste landfill (see K.S.A. 65-3402(cc))
 Ind. = industrial waste (see K.S.A. 65-3402(x)) landfill; also includes waste tire monofills and asbestos monofills
 C&D = construction and demolition landfill (see K.S.A. 65-3402(v))
 * / ** See notes on page 2

DIVISION OF ENVIRONMENT

Bureau of Waste Management

CURTIS STATE OFFICE BUILDING, 1000 SW JACKSON ST., STE. 320, TOPEKA, KS 66612-1366

Voice 785-296-1600

Fax 785-296-1592

<http://www.kdhe.state.ks.us/waste>

Application for Solid Waste Landfill Permit

* This application is required for "significant" modifications as defined in Bureau of Waste Management Policy 98-05 (any increase in property area, and/or increases of 10% or more in the disposal capacity). Minor modifications (those that do not meet the definition of "significant") are usually requested by submitting a letter with amended plans.

** This application is required if the applicant intends to manage different waste (types or characteristics), operate the facility differently, and/or if significant modifications are proposed. A streamlined application for simple permit transfers (name change or ownership change only) is provided on the Bureau of Waste Management web site.

IV. Facility type (check all that apply):

(For new permits identify the proposed facility type(s). For modifications or transfers identify the **existing** facility type(s).)

☐ Municipal solid waste landfill

☐ Subtitle D

☐ Small arid

☒ Industrial landfill (New)

☐ Asbestos monofill

☐ W a s t e tire monofill

☒ Other (list types of waste): Coal combustion byproducts monofill. About 4000 cubic yards of clean rubble will be disposed in landfill. It will be placed with a minimum of five feet of byproduct below any rubble and four feet below cap. See section 5.14 of Operations Manual.

TLB
8/28/06

☒ Construction & demolition landfill About 4000 cubic yards to be disposed in cell #1 clean rubble only

V. Modifications proposed (if existing facility; check all that apply): N/A

☐ Increase property area

☐ Increase disposal capacity

☐ Add new type of disposal unit

☐ Municipal solid waste landfill

☐ Subtitle D

☐ Small arid

☐ Industrial landfill

☐ Asbestos monofill

☐ W a s t e tire monofill

☐ Other (list types of waste): _____

☐ Construction & demolition landfill

☐ Add processing unit (submit separate processing facility permit application form for each type)

☐ Composting

☐ Household hazardous waste

☐ Incinerator

☐ Land farm

☐ Transfer station

☐ Other: _____

Other modifications (explain): _____

Application for Solid Waste Landfill Permit

VI. Items to submit with this application (check each item or indicate " N A for not applicable):

“†” indicates a form is available on the Bureau of Waste Management web site.

For permit modifications (or transfers using this form), only submit items that must be updated. Items submitted in the past that are still effective, correct, applicable, and acceptable do not have to be resubmitted.

Indiv. Binder Business Concern Disclosure Statement (BCDS)[†] or Public Entity Disclosure Statement (PEDS)[†]
(Westar)

Large companies (100 or more employees) or companies based in other states should use BCDS Form 1. Small companies (less than 100 employees) based in Kansas may use BCDS Form 2.

If the applicant submitted a BCDS to the Bureau of Waste Management within the past three years, then the applicant may either submit: a new, updated BCDS; an addendum to the BCDS to cover the period since the previous BCDS, including a new signed certification; or a signed certification that the previous BCDS is still applicable, that none of the information has changed, and that there is no new information to report.

If the applicant previously submitted a PEDS to the Bureau of Waste Management the Bureau would not normally require a new or updated PEDS.

Vol. 1 Proof that the applicant owns the property where the landfill will be located if the landfill is:

(Westar)

(from K.S.A. 65-3407(m)(3))

(A) A municipal solid waste landfill; or

(B) a solid waste disposal area that has:

(i) A leachate or gas collection or treatment system;

(ii) waste containment systems or appurtenances with planned maintenance schedules; or

(iii) an environmental monitoring system with planned maintenance schedules or periodic sampling and analysis requirements.

OR

Evidence that the applicant leased the property prior to April 1, 1999 if the permit will be for a vertical or lateral expansion contiguous to a permitted solid waste disposal area in operation on July 1, 1999

N/A Copy of lease agreement (if the property is leased)

Cover Letter Application fee:

(Westar)

___ \$5,000.00 for a new municipal solid waste landfill

X \$3,000.00 for a new industrial landfill

___ \$1,000.00 for a new C&D landfill disposing more than 10,000 tons annually

___ \$ 500.00 for a new C&D landfill disposing more than 1,000 and less than 10,000 tons annually

___ \$ 250.00 for a new C&D landfill disposing less than 1,000 tons annually

Make check payable to: Kansas Department of Health & Environment.

A city, county, or other political subdivision or state agency is exempt from the application and renewal fees.

Application fees are not normally assessed for permit modifications and transfers unless the application constitutes a new permit (e.g., adding a municipal solid waste landfill at an existing C&D landfill).

Approved Waste characterization (See "Combustion Byproducts Work Plan/Sampling and Analysis Plan for LEC
By KDHE New Byproduct Landfill" dated January 10, 2005.)

01/24/05 Required for industrial landfills except asbestos monofills, waste tire monofills, and other predetermined inert waste.

Submit Material Safety Data Sheets (MSDS) if available, and/or analysis of chemical constituents.

Application for Solid Waste Landfill Permit

Vol. 1 Leaching tests - Copy enclosed. "Combustion Byproduct Solids and Leachate Analytical Results"
(Westar) dated June 17, 2005; sent to KDHE June 24, 2005.

Required for industrial landfills when the waste characterization identifies constituents that pose a risk to groundwater quality.

Submit leaching test results using an EPA or ASTM method that most closely simulates the landfill environment.

Phase 1 & 2 Hydrogeologic investigation (see K.A.R. 28-29-104(b))
(Previously approved by KDHE)

Required for all municipal solid waste landfills, and required for industrial landfills used for disposal of non-inert waste.

Hydrogeologic reports may be submitted prior to submission of this application form.

Vol. 1 Request for Location Demonstration Information Regarding Distance from the Nearest Intake Point of
(Westar) a Public Surface Water Supply system^t

Vol. 1 Location demonstrations (see K.A.R. 28-29-23(d), 102,302, and Policy 02-02)
(Westar)

Vol. 1 Agency notifications and requests for comments
(Westar)

☒ Kansas Biological Survey
☒ Kansas Corporation Commission
☒ Kansas Department of Agriculture - Division of Water Resources
☒ Kansas Department of Wildlife and Parks
☒ Kansas Geological Survey
☒ Kansas State Conservation Commission
☒ Kansas State Historical Society
☒ Kansas Water Office
☒ U.S. Department of the Army - Corps of Engineers
☐ Other _____

Input from other agencies may be required.

Vol. 1 Map and description of abutting properties including location and land use, names and mailing addresses of
(Westar) property owners. If the proposed site is adjacent to a public road, include property across the road.

(Also see Fig. 1-5, Property Ownership, Phase 2 Study)

Vol. 4 - 6 Design drawings and calculations (see K.A.R. 28-29-6, 23, 103, 104,304,325) (Also see Appendix 1 of Vol. 2)
(B&V) (Rolls) (Engineering Report Vol. 4-6)

Vol. 3 Groundwater monitoring plans and reports (see K.A.R. 28-29-111 through 113)

(B&V) (Including sampling and analysis Plan (SAP))

Required for all municipal solid waste landfills, and required for industrial landfills used for disposal of non-inert waste.

Groundwater monitoring plans and reports may be submitted separate from this application form.

Vol. 2 Operations plan (see K.A.R. 28-29-23, 108,308,325)
(B&V)

Vol. 2 Closure and post-closure plans (see K.A.R. 28-29-12, 121,304,321,325)
(B&V)

Vol. 2 Closure, post-closure, and estimated life worksheets^t (one worksheet per cell)
(B&V)

Application for Solid Waste Landfill Permit

Closure cost estimate worksheets are required for all applications.

Post-closure cost estimate worksheets are required for all new permits, and for significant modifications (or transfers using this form) when the facility includes groundwater monitoring and/or gas monitoring.

Estimated life worksheets are required for all applications involving municipal solid waste landfills. N/A

Vol. 2 Construction quality assurance plan (see K.A.R. 28-29-12, 121,321,325, and Policy 00-04)

(B&V) (Note: One QA plan for closure and one QA plan for construction)

CQA plans must address construction of waste containment structures (liner/bottom and sides of disposal area, final cover) and permanent controls (storm water control structures, leachate collection systems). CQA plans should specify: responsible parties; types and frequencies of tests and observations; pass/fail criteria; methodology for addressing problems; and CQA report contents (summary of construction activities, representative photographs, field notes, test results, as-built drawings, and P.E. certification that the construction was in accordance with the approved plans (or describe any deviations)). CQA activities should generally conform to U.S. EPA's *Technical Guidance Document: Quality Assurance and Quality Control for Waste Containment Facilities* (EPA/600/R-93/1182). CQA plans must be signed and sealed by a Professional Engineer licensed in Kansas.

Vol. 1 Financial assurance^t (see K.A.R. 28-29-2101 through 2113) (Addition to existing letter of credit)

(Westar)

Vol. 1 Liability insurance certificate (see K.A.R. 28-29-2201) - Existing insurance will apply

(Westar)

Vol. 1 Restrictive covenant^t (see K.A.R. 28-29-20)

(Westar)

Submit a draft restrictive covenant for Bureau of Waste Management approval prior to filing it with the Register of Deeds.

Vol. 1 Notices of intent for storm water discharge (see <www.kdhe.state.ks.us/stormwater>)

(Westar) Note: NOI references a section of the design drawings (that are rolled)

Other items may be required if necessary to properly evaluate the application and satisfy state statutes, regulations, policies, and standards. Bureau of Waste Management staff will identify any additional requirements during the review process.

VII. Other facility information:

A. Land characteristics (general description)

Site is presently used for agricultural purposes. One flat area is used for grain farming; the remaining hilly areas are used for cattle grazing. See Section 1 of Operating Plan for more descriptions.

B. Estimate existing site acreage devoted to the following uses:

Heavily wooded	<u>2</u>
Light brush	<u>1</u>
Grasses or pasture	<u>65</u>
Cultivated	<u>8</u>
Cleared or developed	<u>4</u> (house, barn and roads)

Total = 80 acres

C. Estimated acreage to be cleared 76 acres (wooded area along railroad tracks and existing roads not to be disturbed.)

D. Proposed method of clearing Bulldozed and graded. See Section 4 of Operations Plan.

Application for Solid Waste Landfill Permit

E. Onsite soil classification of area to be distributed.

_____ % Sand Notes: (1) Average distance between bottom of landfill and sand layer is
_____ % Silt 10.9 feet. Minimum distance is 5 feet. See Engineering Report.
100 % Clay (2) See fig. 2-1, figures 4-1 thru 4-4 and boring logs in phase 2 Study.
_____ % Other _____

F. If sufficient cover material is not available at the site, where will it be obtained?

Sufficient material for providing closure is available on-site – primarily clay and some topsoil, which will be stockpiled separately. See fig. 2-1, fig. 4-1 thru 4-4 Phase 2 Study

G. Existing/proposed land use within a one-mile radius (attach land use map if available).

	South	West	North	East
Residential	<u>E</u>	_____	_____	_____
Commercial	<u>E</u>	<u>E</u>	_____	_____
Light industrial	<u>E</u>	<u>E</u>	_____	_____
Heavy industrial	_____	<u>E</u>	_____	_____
Agricultural	_____	_____	<u>E</u>	<u>E</u>
Mixed	_____	_____	<u>E</u>	<u>E</u>

Note "E" for existing and "P" for proposed.

H. Are there any wells within a one-mile radius? Yes X No _____

If "Yes" list types and legal descriptions See Figure 1-7 of Phase 2 Study

I. Access roads serving site

City _____ State _____
Township _____ Interstate _____
County _____ Other (explain) The road from the disposal ponds to the landfill is located on Westar Energy property.

J. Types of road surface serving the site (indicate whether on or off site)

Concrete _____ Gravel X (Internal roads to each cell)
Asphalt X (Access Road) Crushed stone _____
Seal coat _____ Dirt _____
Soil cement _____ Other _____

K. Service Areas N/A

Disposal site to serve:
City _____ Township _____ County _____ Region _____ Business _____

L. Will site be open to the general public? Yes _____ No X

Application for Solid Waste Landfill Permit

M. Population data:

Population served by facility: Now N/A Next 10 Years _____
Total area population: Now N/A Next 10 years _____

N. Distance to center of service area N/A

Average haul distance (miles one way) N/A - Haul (access) routes are on plant site.

Characteristics of areas adjacent to major haul routes within one-half mile of the site
(residential, commercial, schools, agricultural, etc.)

Residential (areas B, C, D) commercial (areas E thru Q) and city (area R) – From Fig. 1-5, Property Ownership, of Phase 2 Study

O. Utilities (indicate whether on-site or nearby) – See Fig. 1-6, Existing Utilities, of Phase 2 Study

Water source (example: water main, bottled water, well) Currently on-site. To be relocated.

Electricity Currently on-site. To be relocated.

Telephone Currently on-site. To be relocated.

Sewer system (example: sanitary, lagoon, septic, privies) No company personnel will be at site full time. Contract personnel may choose to install will use portable toilets.

TLB 8/28/06

P. Hours of operation

Days	MON	TUE	WED	THU	FRI	SAT	SUN
Hours	8-5	8-5	8-5	8-5	8-5	--	--

Q. Restrictions

Types of solid waste accepted:

☐ Residential

☐ Commercial

☐ Agricultural

☒ Industrial

☐ Construction/demolition

☐ Other _____

Types of solid waste not accepted (in disposal area):

☒ Putrescible waste

☒ Construction/demolition waste

☒ Appliances

☒ Electronics

☒ Asbestos

☒ Treated wood

☒ Other (specify) Used electrical equipment e.g. transformers, etc.

☒ Junked automobiles

☒ Dead animals

☒ Street sweepings

☒ Tires

☒ Sewage sludge

☒ Medical services waste

R. Employees and equipment

Number of employees on site (average daily) 4-7 contractor employees

Equipment on site (normal operations) 1-2 heavy equipment operators, 3-5 dump trucks, 1 road grader, 1 water truck, 1 track dozer

TLB 8/28/06

Application for Solid Waste Landfill Permit

S. Fire protection available (specify sources) – See Operations Plan

Water Small hydrant on site. Disposed material is not flammable.

Firebreak South. east and north boundaries contain railroad tracks. One half of west boundary is asphalt road.

Municipal fire department Wakarusa Fire Dept. about 1 mile to the west.

T. Tipping fees, other fees

(Optional) List the anticipated tipping fees and other fees (e.g., surcharge for unacceptable waste). These fees are subject to change without notice, at the permittee's discretion. _____

Not Applicable

U. Estimated disposal rates

Parameters	Daily			Annually		
Number of loads						
Types of Waste	MSW	Ind.	C&D	MSW	Ind.	C&D
Total tons		1,573			314,600	
Total cubic yards		1,100			220,000	

V. Proposed post-closure site use(s)

☒ Wildlife habitat/native grass

☐ Recreational

☐ Pasture

☐ Agricultural

☐ Storage

☐ Parking

☐ Waste management/recycling

☐ Industrial

☐ Commercial

☐ Other

Describe proposed post-closure use(s): The same as closed permit no. 333. which is adjacent to this site.

VIII. Notes:

1. Statutes and regulations, policies, technical guidance documents, forms, and other information are available on the Bureau of Waste Management web site <www.kdhe.state.ks.us/waste>.
2. Call the Bureau of Waste Management at (785) 296-1600 and ask to speak with solid waste permitting staff if you have any questions about landfill requirements.
3. Submit three sets of the completed application form and supporting documents to: Kansas Department of Health and Environment, Bureau of Waste Management, 1000 SW Jackson, Suite 320, Topeka, KS 66612-1366.
4. The following steps occur after an application is received by the Bureau of Waste Management:
 - (a) Preliminary evaluation to determine compliance with statutory requirements in K.S.A. 65-3407(c), (d), and (m).
 - (b) Completeness review in accordance with BWM Policy 04-02.
 - (c) Public meeting per BWM Policy 04-02.

Application for Solid Waste Landfill Permit

- (d) Technical review to determine compliance with all statutes, regulations, policies, and standards.
 - (e) Public hearing per K.A.R. 28-29-6a.
 - (f) Final decision and processing.
5. When a facility receives a permit and begins accepting solid waste for disposal, a \$1.00/ton tonnage fee must be paid to the Kansas Department of Health and Environment. Refer to K.S.A. 65-3415b for rules and exceptions. N/A
6. Active facilities must pay an annual permit renewal fee in accordance with K.A.R. 28-29-84. A city, county, or other political subdivision or state agency is exempt from the application and renewal fees.

IX. Applicant's Certification:

I hereby certify that the information in this application and in the supporting documents is true and correct to the best of my knowledge.

Thomas L. Brown
Signature of Applicant

March 30, 2006
Date

Thomas L. Brown
Name (Print or Type)
Manager, Water Waste Programs
Title
Westar Energy, Inc.
Organization

X. Local Government Certifications:

See next page.

LOCAL GOVERNMENT CERTIFICATIONS

Applicant's Name _____
Facility Name _____
Facility Location _____
Application Type (new permit, modification, or transfer) _____

As specified in K.S.A. 65-3407 "Permits to construct, alter or operate solid waste processing facilities and solid waste disposal areas", the secretary shall require the following information as part of this application:

Solid Waste Management Plan Consistency

(m)(1) Certification by the board of county commissioners or the mayor of a designated city responsible for the development and adoption of the solid waste management plan for the location where the processing facility or disposal area is or will be located that the processing facility or disposal area is consistent with the plan. This certification shall not apply to a solid waste disposal area for disposal of only solid waste produced on site from manufacturing and industrial processes or from on-site construction or demolition activities.

I certify that, to the best of my knowledge, the facility described in this application is consistent with the Solid Waste Management Plan.

_____ Name (Print or Type)	_____ Signature	
_____ Title	_____ Date	
_____ County or City	_____ Street Address	_____ State, Zip Code

Zoning or Land Use Consistency

(m)(2) If the location is zoned, certification by the local planning and zoning authority that the processing facility or disposal area is consistent with local land use restrictions or, if the location is not zoned, certification from the board of county commissioners that the processing facility or disposal area is compatible with surrounding land use.

I certify that, to the best of my knowledge, the facility described in this application is consistent with (check one):
☒ local land use restrictions/zoning or ☐ surrounding land use.

_____ SHEILA M STOCKDILL Name (Print or Type)	_____ <i>Sheila M Stockdill</i> Signature	
_____ ACTING PLANNING DIRECTOR Title	_____ 02-01-06 Date	
_____ DOUGLAS COUNTY County or City	_____ 6E6 TH ST. Street Address	_____ LAWRENCE, KS 66044 State, Zip Code

If a special/conditional use permit is required, please attach a copy to this application.

Based on CUP-07-06-05